

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEAST DIVISION

HENRY HAMILTON, individually and	)	
on behalf of others similarly situated,	)	
	)	
Plaintiff,	)	Civil Action No.:
	)	
vs.	)	1:14-CV-00109ACL
	)	
CITY OF HAYTI, MISSOURI,	)	
GLENDA OVERBY, CALVIN	)	
RAGLAND, AMY LEEANN LANNIE,	)	Jury Trial Demanded
and MACO MANAGEMENT CO., INC.,	)	
	)	
Defendants.	)	

**ANSWER OF CITY OF HAYTI, MISSOURI, TO AMENDED COMPLAINT**

COMES NOW the City of Hayti, Missouri, by and through its attorney, Spradling & Spradling, and for its answer to Plaintiff's Amended Complaint admits or denies the following:

1. Paragraph 1 of the Amended Complaint is a narrative statement not setting forth any facts necessary for answering. However, Defendant denies any violation of 42 USC § 1983 or any violation of any state law tort claims.
2. Paragraph 2 of Plaintiff's Amended Complaint is jurisdictional in nature and no answer is necessary.
3. Paragraph 3 of Plaintiff's Amended Complaint is admitted as at the time of Plaintiff's arrest he was a resident of Pemiscot County, Missouri, and was approximately 60 years of age but has no information or belief on the balance of paragraph 3 of Plaintiff's Amended Complaint.
4. Paragraph 4 of Plaintiff's Amended Complaint is admitted.

5. Paragraph 5 of Plaintiff's Amended Complaint is admitted.
6. Paragraph 6 of Plaintiff's Amended Complaint is admitted in part as Defendant Glenda Overby was the municipal court clerk and her residence is 705 East Moore St., Hayti, Missouri. All other allegations contained in paragraph 6 are denied.
7. Upon information and belief, Amy Leeann Lannie was employed and an agent of Maco. She is the daughter of Glenda Overby, she has been since married to David Inman all as alleged in paragraph 7 of Plaintiff's Amended Complaint.
8. Paragraph 8 of Plaintiff's Amended Complaint is unknown and, therefore, strict proof is demanded thereon.
9. Paragraph 9 of Plaintiff's Amended Complaint is denied.
10. Paragraph 10 of Plaintiff's Amended Complaint is denied.
11. Paragraph 11 of Plaintiff's Amended Complaint is denied.
12. Paragraph 12 of Plaintiff's Amended Complaint is admitted in part as Ragland is the municipal judge and Overby is the municipal clerk and were officers, agents, and employees of the City of Hayti, but all other allegations in Paragraph 12 of the Amended Complaint are denied.
13. Paragraph 13 of Plaintiff's Amended Complaint is denied.
14. Paragraph 14 of Plaintiff's Amended Complaint is denied.
15. Paragraph 15 of Plaintiff's Amended Complaint is admitted in part as the Defendants established a fine and bond schedule and further did not permit the use of surety bonds but all other allegations contained in paragraph 15 are denied.
16. Paragraph 16 of Plaintiff's Amended Complaint is denied.

17. Paragraph 17 of Plaintiff's Amended Complaint is unknown and, therefore, denied.
18. Paragraph 18 of Plaintiff's Amended Complaint is unknown and, therefore, denied.
19. Paragraph 19 of Plaintiff's Amended Complaint is denied.
20. Paragraph 20 of Plaintiff's Amended Complaint is unknown and, therefore, denied.
21. Paragraph 21 of Plaintiff's Amended Complaint is admitted in that Mr. Hamilton was arrested by the City of Hayti Heights and that after consultation with Defendant Ragland, a warrant for arrest was issued with the bond as specified in paragraph 21 and further Overby utilized a rubber stamp in affixing Defendant Ragland's signature only after approval by Defendant Ragland.
22. Paragraph 22 of Plaintiff's Amended Complaint is denied.
23. Paragraph 10 of Plaintiff's Amended Complaint is admitted.
24. Paragraph 24 of Plaintiff's Amended Complaint is denied.
25. Paragraph 25 of Plaintiff's Amended Complaint is denied.
26. Paragraph 26 of Plaintiff's Amended Complaint is admitted.
27. Paragraph 27 of Plaintiff's Amended Complaint is admitted in part in that all matters are admitted except for the fact that the Plaintiff pled guilty to the charge of peace disturbance.

#### COUNT I

Comes now the Defendant City of Hayti, Missouri, and for its answer to Count I of Plaintiff's Amended Complaint admits or denies the following:

28. Defendant City of Hayti, Missouri, restates and realleges all of its answers to the allegations set forth in paragraphs 1 through 27 as and for its answer to paragraph 28

of Count I of Plaintiff's Complaint.

29. Paragraph 29 of Plaintiff's Amended Complaint is jurisdictional only and no answer is necessary, however, the Defendant denies that Plaintiff's rights under the Fourth, Eighth and Fourteenth Amendments of the Constitution were deprived.
30. Paragraph 30 of Plaintiff's Amended Complaint is denied.
31. Paragraph 31 of Plaintiff's Amended Complaint is denied.
32. Paragraph 32 of Plaintiff's Amended Complaint is denied.
33. Paragraph 33 of Plaintiff's Amended Complaint is denied.
34. Paragraph 34 of Plaintiff's Amended Complaint is denied.
35. Paragraph 35 of Plaintiff's Amended Complaint is denied.
36. Paragraph 36 of Plaintiff's Amended Complaint is denied.
37. That as a defense to Count I of Plaintiff's Complaint, Defendant states that it is sovereignly immune from any liability under any claims set forth thereunder.
38. As a further defense to Count I, Defendant states it fails to state a claim for which relief may be granted.
39. As a further answer to Count I, Defendant states that Plaintiff has not sustained by damage.

WHEREFORE, the Defendant City of Hayti, Missouri, having fully answered Count I of Plaintiff's Complaint prays said Complaint to be dismissed and go hence with their costs.

## COUNT II

Count II not pertaining to the Defendant City of Hayti, Missouri, no answer is, therefore, necessary. However, any allegations that may be imputed to the City of Hayti, Missouri, are denied.

### COUNT III

Count III is subject to a Motion to Dismiss filed by the City of Hayti and no answer is, therefore, necessary at this time.

### COUNT IV

Count IV is subject to a Motion to Dismiss by the City of Hayti, Missouri, and, therefore, no answer is necessary at this time.

### COUNT V

Count V is subject to a Motion to Dismiss filed by the City of Hayti, Missouri, and, therefore, no answer is necessary at this time.

WHEREFORE, the Defendant City of Hayti, Missouri, fully answering Plaintiff's Amended Complaint prays the Court to deny any class certification, that the Court deny any relief to the Plaintiff, and that the Court enter judgment in favor of the City of Hayti, Missouri, and against the Plaintiff and for such other relief as the Court deems just and proper in the premises.

SPRADLING & SPRADLING

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 24, 2014, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the attorneys of record.

SPRADLING & SPRADLING

By: /s/ A.M. Spradling, III